

**US BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

IN RE: FRANK J. BADOLATO, JR.	:	CHAPTER 13
	:	
Debtor(s)	:	BANKRUPTCY NO. 19-15203

MOTION TO WITHDRAW APPEARANCE AS COUNSEL OF RECORD

Paul H. Young, Esquire, and Young, Marr & Associates, counsel for Debtor, Frank J.

Badolato, respectfully represent as follows:

1. Debtors commenced this case on August 20, 2019 by the filing the above numbered voluntary petition under Chapter 13 of Title XI, U.S. Code.
2. Based upon information provided by Debtor, Schedules and accompanying Plan were thereafter filed on September 23, 2019.
3. A Second Amended Chapter 13 Plan was filed on January 6, 2020, which did not provide treatment of any kind to Santander Consumer USA, a creditor secured by debtor's vehicle.
4. Prior to filing the Second Amended Chapter 13 Plan, on numerous occasions including an additional in-person meeting, Counsel advised Debtor if Debtor chose not to provide funding in his Chapter 13 Plan to cure pre and post-petition arrears owed to Santander Consumer USA, as well as failure to pay ongoing monthly payments directly to the lender, that Santander Consumer USA could seek Relief in bankruptcy court to repossess the vehicle.
5. The Debtor confirmed to counsel on numerous occasions, and specifically via email on October 22, 2019, that he would "deal with [Santander] eventually" and to not address the creditor in his Chapter 13 Plan, despite advise to the contrary from Counsel.
6. On June 10, 2020, a Motion for Relief from Stay was filed by Santander Consumer USA, alleging monthly payments were not made directly to the lender.

7. On June 11, 2020, Debtor's Counsel sent an additional notice of this Motion to the debtor, outlining the consequences if the Motion were granted.

8. Thereafter, Counsel reached out to the Debtor telephonically and did not receive a response.

9. Relief was granted on July 7, 2020, as the Motion for Relief from Stay was unopposed. Debtor's counsel notified Debtor of this Order via certified mail on July 8, 2020.

10. At no time after the filing of the Motion did Debtor indicate a valid defense existed, nor was it requested by Debtor that a defense be entered prior to this court's granting of the July 7, 2020 Order.

11. Thereafter, on July 10, 2020, the Debtor has since contacted Counsel via email, requesting that Counsel respond to Santander Consumer USA's Motion.

12. Debtor has continued to contact Counsel in an antagonistic and accusatory fashion, and has asked that counsel be removed.

13. Under the circumstances, Counsel suggests he cannot effectively represent Debtor's interests as Debtor is alleging ineffective assistance of counsel in this matter.

14. Counsel for Debtor believes withdrawal can be accomplished without material adverse effect on the interest of the client or any of the parties of interest.

WITH AND WHEREFORE, Counsel requests this Honorable Court for an Order allowing Withdraw of his Appearance as Counsel of Record.

Respectfully submitted,

/s/ Paul H. Young
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